

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

PLAINTIFF,

*v.*

STATE OF GEORGIA,

DEFENDANT.

Civil Action No.  
1:16-cv-03088-ELR

**CONSENT MOTION TO MODIFY THE FORM PRETRIAL ORDER**

NOW COME the United States of America and the State of Georgia, and move this Court pursuant to Local Rule 16.4(B) for permission to modify the form Pretrial Order which is contained in Appendix B to the Local Rules for the Northern District of Georgia. Specifically, the parties seek to modify the time to exchange and file their list of objections to exhibits, deposition designations, objections to deposition designations, deposition counter-designations, and proposed findings of facts and conclusions of law. The parties have been working diligently to meet the Court's December 23 deadline. Given the volume of evidence in this case and the parties' expectations that they will continue to refine their cases and anticipated trial presentations over the coming weeks and months, the parties request permission to modify the form Pretrial Order as detailed in the proposed consent order attached hereto. The grounds for this

consent motion are more particularly set forth in the accompanying memorandum of law.

Dated: December 17, 2024.

Respectfully submitted,

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*United States Attorney*

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**MEMORANDUM OF LAW IN SUPPORT OF  
CONSENT MOTION TO MODIFY THE FORM PRETRIAL ORDER**

The Federal Rules of Civil Procedure permit the Court broad discretion in extending the time originally permitted to make the subject filing. *See Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1366 (11th Cir. 1997) (“We recognize that district courts enjoy broad discretion in deciding how best to manage the cases before them.”); *Cable/Home Commc'n Corp. v. Network Prods., Inc.*, 902 F.2d 829, 859 (11th Cir. 1990) (discussing discretion afforded to district courts when ruling on requests for enlargements of time); *see also* Wright & Miller, *Federal Practice and Procedure* § 1165 (1987).

Pursuant to the Court’s Order dated August 29, 2024, the parties are required to file their Consolidated Pretrial Order on December 23, 2024 – 30 days from the completion of mediation. *See* Dkt. 498-1; 508. As required by Local

Rule 16.4, the proposed order shall contain several things, including the parties' list of objections to exhibits, objections to deposition designations, deposition counter-designations, and proposed findings of fact and conclusions of law. *See* LR 16.4(B). The parties met and conferred and are prepared to submit a proposed order that contains most of the information required by Local Rule 16.4., but due to the voluminous number of documents and depositions in this case, the parties need additional time to exchange and file the above identified parts of the proposed pretrial order. Therefore, the United States of America and the State of Georgia respectfully request permission to modify the form Pretrial Order contained in Appendix B to file the list of objections to exhibits, objections to deposition designations, deposition counter-designations, counter exhibits, and proposed findings of fact and conclusions of law as set forth in the attached proposed consent order.

For the Court's convenience, a proposed order granting this Motion is attached.

Respectfully submitted,

RYAN K. BUCHANAN  
*United States Attorney*

/s/ Aileen Bell Hughes

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**Certificate of Compliance**

I hereby certify, pursuant to Local Rules 5.1 and 7.1D, that the foregoing motion and brief have been prepared using Book Antiqua, 13 point font.

/s/ AILEEN BELL HUGHES

AILEEN BELL HUGHES

*Assistant United States Attorney*



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**Certificate of Service**

I served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

December 17, 2024.

/s/ AILEEN BELL HUGHES

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ORDER

Having read and considered the United States of America and the State of Georgia's Consent Motion To Modify the Form Pretrial Order and for good cause shown, it is hereby ORDERED that the United States of America and the State of Georgia's Consent Motion to Modify the Form Pretrial Order shall be granted as set forth below.

**Objections to Exhibits.**

- The parties shall file individual objections to the opposing party's trial exhibits no later than 30 days before the date of the pretrial conference.

**Deposition designations.**

- **Counter designations.** The parties reserve identifying counter designations per FRCP 32(a)(6). The parties shall exchange any counter designations to identified testimony 30 days before the pretrial conference (with the exception of unavailable witnesses identified below).
- **Unavailability.** Deposition designations based on unavailability will be reserved. No later than 30 days before the pretrial conference, the parties will meet and confer to discuss which witnesses they expect to be

unavailable, after which the parties will only be able to identify unavailable witnesses for good cause. 21 days before the pretrial conference, the parties will serve deposition designations for any identified unavailable witnesses; exchange counter designations 14 days before the pretrial conference; and exchange objections 7 days before the pretrial conference.

- **Objections to designations.** The parties shall exchange objections to all deposition designations and counter designations at least 7 days before the pretrial conference.
- **Joint filing.** The parties shall compile all deposition designations, counter designations, and objections and file them jointly on the record no later than the day before the pretrial conference.

**Proposed findings of fact/conclusions of law.**

- The parties shall file proposed findings of fact and conclusions of law after the conclusion of trial.

So ordered this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

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ELEANOR L. ROSS  
UNITED STATES DISTRICT JUDGE

Presented By:

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